**Criminal Appeal No. 1024 of 2001**
**(Old No. 877/1982)**

**Hon'ble Irshad Hussain, J.**

Heard Sri V.K. Kohli, learned counsel for the applicant-appellant no.2 Sri Kedar Nath as also Sri D.K. Sharma, learned A.G.A.

The applicant-surety Kedar Nath was a surety against an accused and he did not respondent to the show cause notice when the accused did not turn up in the case. On account of non-appearance and no objection having been filed against the show cause notice, penalty of Rs. 5,000.00 was imposed by the impugned order, which had been challenged in this appeal.

It has been pointed out that the applicant is in jail for the last about fifteen days and he is a three-wheeler driver by profession. It has been submitted that a lenient view may be taken and the amount of penalty may suitably be reduced.

Having considered the facts and circumstances at the case and also the duration during which the applicant has been in jail it will be just and proper to reduce the amount of penalty to Rs.3500.00, which shall be deposited by 17th June 2002. The applicant shall be released from jail after deposit of amount of penalty Rs. 3500.00 (Rs. three thousand five hundred) only.

The appeal is disposed of accordingly.

Let a copy of this order be given in payment of requisite fee to the learned counsel for the applicant today.

**(Irshad Hussain, J.)**

13.06.2002